

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE PROCTER & GAMBLE COMPANY,

Plaintiff,

- against -

PLAYTEX PRODUCTS, INC.,

Defendant.  
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: 08 Civ. 01532 (WHP)  
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: **Defendant Playtex Products,**  
: **Inc.'s Motion to File Under Seal**  
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: Electronically Filed  
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Defendant Playtex Products, Inc. ("Playtex") respectfully submits this Motion to File Under Seal.

GROUND FOR MOTION

On April 25, 2008, the Court issued a Protective Order governing the use of Confidential Information in the above-captioned matter. Paragraph 10 of the Protective order states as follows:

10. To the extent that the parties wish to file any materials designated CONFIDENTIAL or HIGHLY CONFIDENTIAL with the Court, the parties must seek leave of the Court to file such documents under seal as required by Judge Pauley's Individual Rules. If the Court grants permission, such materials shall be filed in sealed envelopes on which shall be endorsed the title of this action, an indication of the nature of the contents of such sealed envelope, the word(s) "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" as applicable and a statement substantially in the following form:

THIS DOCUMENT IS FILED UNDER SEAL PURSUANT TO  
THE PROTECTIVE ORDER OF THIS COURT ENTERED IN  
THIS ACTION AND SHALL NOT BE OPENED EXCEPT BY  
THE COURT OR UPON ORDER OF THE COURT OR BY  
STIPULATION OF THE PARTIES TO THIS ACTION

Protective Order, p. 6, ¶ 10.

Playtex has prepared a Consolidated Memorandum in Opposition to Plaintiff's Motion for Summary Judgment of *Res Judicata* and in Support of its Cross-Motion for Summary Judgment of No *Res Judicata*; a Statement of Undisputed Facts pursuant to Local

Rule 56.1; and supporting declarations with exhibits thereto. These papers contain materials designated as CONFIDENTIAL. Plaintiff does not object to the filing of these materials under seal.

Playtex respectfully requests that the Court grant this Motion and enter an order allowing those pages of Playtex's Consolidated Memorandum in Opposition to Plaintiff's Motion for Summary Judgment of *Res Judicata* and in Support of its Cross-Motion for Summary Judgment of No *Res Judicata*, Statement of Undisputed Facts pursuant to Local Rule 56.1, and supporting declarations and exhibits which contain Confidential Information to be filed under seal pursuant to paragraph 10 of the Protective Order.

Dated: May 15, 2008

DAVIS POLK & WARDWELL

By: s/ Veronica C. Abreu  
Veronica C. Abreu (*pro hac vice*)

Anthony I. Fenwick (*pro hac vice*)  
Diem-Suong T. Nguyen (DN-6578)  
David J. Lisson (*pro hac vice*)  
1600 El Camino Real  
Menlo Park, CA 94025  
Telephone: (650) 752-2000  
Facsimile: (650) 752-2111

Matthew B. Lehr (ML-9982)  
450 Lexington Avenue  
New York, NY 10017  
Telephone: (212) 450-4000  
Facsimile: (212) 450-3800

*Attorneys for Defendant Playtex Products, Inc.*

**SO ORDERED:**

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WILLIAM H. PAULEY III  
UNITED STATES DISTRICT JUDGE